

09/10/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of  
Kurt KEMPER, et al.

Serial No. 09/787,819

Group Art Unit: Not yet assigned

Filed: March 23, 2001

Examiner: Not yet assigned

For: METHOD AND DEVICE FOR THE SURFACE TREATMENT OF WORKPIECES AND  
THEIR USE

RESPONSE TO NOTIFICATION OF MISSING  
REQUIREMENTS UNDER 35 U.S.C 371

Assistant Commissioner for Patents  
Washington, D. C. 20231

Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371, dated April 17,  
2001, please find enclosed the:

1. Copy of Notification of Missing Requirements Under 35 U.S.C. 371;
2. Executed Declaration and Power of Attorney

Please find attached a check in the amount of \$65.00 (small entity status applies) for the late  
declaration surcharge. Please charge any other fees that may be due in connection with the filing of this  
paper, including extension of time fees, to Deposit Account 50-0436 and please credit any excess fees to  
such deposit account. A duplicate copy of this paper is attached.

06/04/2001 MNGUYEN 00000094 09787819

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Respectfully submitted,  
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Date: **May 31, 2001**  
DC: #187036 v1 (40BG01!.DOC)



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/787819	KEMPER	K 112791.1100
INTERNATIONAL APPLICATION NO.		
PCT/EP99/07107		
I.A. FILING DATE	PRIORITY DATE	
23 SEP 99	23 SEP 98	

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WASHINGTON, DC 20005 2004

DATE MAILED:

17 APR 2001

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- |                                                                                                                              |                                                                                                |
|------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> U.S. Basic National Fee.                                                                 | <input checked="" type="checkbox"/> Indication of Small Entity Status.                         |
| <input checked="" type="checkbox"/> Copy of the international application.                                                   | <input checked="" type="checkbox"/> Translation of the international application into English. |
| <input type="checkbox"/> Oath or Declaration of inventors(s).                                                                | <input type="checkbox"/> Translation of Article 19 amendments into English.                    |
| <input type="checkbox"/> Copy of Article 19 amendments.                                                                      | <input type="checkbox"/> Other:                                                                |
| <input checked="" type="checkbox"/> Priority Document.                                                                       |                                                                                                |
| <input checked="" type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any.     |                                                                                                |
| <input checked="" type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English. |                                                                                                |

2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- ☐ U.S. Basic National Fee. ☐ Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
- ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of \$ \_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.

7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice MUST be returned with this response.**

Enclosed: ☐ PCT/DO/EO/917  
☐ PTO-875

☐ Notice of Defective Translation  
☐ PCT/DO/EO/920

Fred Smith

FORM PCT/DO/EO/905 (March 2001)

Telephone: 703-305-3654

ENTERED IN CPI

Response Due: 6/17/2001